

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 28, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARSHA V.,

Plaintiff,

v.

ANDREW M. SAUL, Commissioner of
Social Security Administration,

Defendant.

No. 4:20-cv-05132-SMJ

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND**

Before the Court, without oral argument, is the parties' Stipulated Motion for Remand, ECF No. 12. "The parties, through their respective counsel, hereby stipulate and agree that the case should be remanded under sentence four of 42 U.S.C. § 405(g)." *Id.* at 1.

Having reviewed the motion and the file in this matter, the Court is fully informed and grants the motion. "Under sentence four, a district court may remand in conjunction with a judgment affirming, modifying, or reversing the Secretary's decision." *Melkonyan v. Sullivan*, 501 U.S. 89, 99–100 (1991). Given the parties' stipulation, the Court reverses and remands the matter for further administrative

1 proceedings before an Administrative Law Judge (ALJ) and a new decision
2 regarding Plaintiff's applications for benefits under the Social Security Act.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 **1.** The parties' Stipulated Motion for Remand, **ECF No. 17**, is
5 **GRANTED.**

6 **2.** The above-captioned case shall be **REVERSED** and **REMANDED**
7 for further administrative proceedings, including a *de novo* hearing
8 under sentence four of 42 U.S.C. § 405(g). *See Melkonyan v. Sullivan*,
9 501 U.S. 89 (1991).

10 **3.** On remand, the Appeals Council will remand the case to an
11 administrative law judge ("ALJ"), who shall develop the medical
12 record as appropriate, offer Plaintiff an opportunity for a new hearing,
13 and issue a new decision. The ALJ shall also:

14 **A.** Reevaluate the evidence, including any medical experts'
15 opinion(s);

16 **B.** Reevaluate the claimant's seizure disorder, with particular
17 attention to Listing 11.02;

18 **C.** Reassess the third party statements; and

19 **D.** Reassess claimant's residual functional capacity.
20

1 **4.** Plaintiff's Motion for Summary Judgment, **ECF No. 14**, is **DENIED**
2 **AS MOOT.**


3 **5.** The Clerk's Office is **DIRECTED** to **ENTER JUDGMENT** for
4 Plaintiff.

5 **6.** Plaintiff shall be entitled to reasonable attorney fees and expenses
6 under 28 U.S.C. § 2412(d), upon proper request to this Court. Plaintiff
7 shall be entitled to costs as enumerated in 28 U.S.C. § 1920, under 28
8 U.S.C. § 2412(a).

9 **A.** Plaintiff shall file any such motion for attorney fees and costs
10 by no later than **May 31, 2021**.

11 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
12 provide copies to all counsel.

13 **DATED** this 28th day of April 2021.

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16 SALVADOR MENDOZA, JR.
17 United States District Judge
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